

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SAVINGS BANKS EMPLOYEES)
RETIREMENT ASSOCIATION,)
Plaintiff,)
v.) CIVIL ACTION NO. 04-11545-EFH
EAST BOSTON SAVINGS BANK;)
CAPE COD FIVE CENTS SAVINGS)
BANK; SOUTH SHORE SAVINGS)
BANK; and WORONOCO SAVINGS)
BANK,
Defendants.)

FILED
CLERK'S OFFICE
2005 MAR 4 AM 11:
U.S. DISTRICT COURT
DISTRICT OF MASS.

PARTIES' JOINT MOTION TO CONSOLIDATE ACTIONS

Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 40.1(J), the parties to this action move to consolidate this action with Savings Bank Employees Retirement Association v. Berkshire Bank, Civil Action No. 05-10123-EFH, filed on January 5, 2005 and removed to this Court on January 21, 2005. Pursuant to Court's order of February 22, 2005, attached hereto is a proposed Order of Consolidation.

In support of this motion, the parties state that the two actions present identical claims involving virtually identical facts. The plaintiff, Savings Bank Employees Retirement Association ("SBERA"), is the same in both Actions and the defendants are all former member banks of SBERA. The same attorneys represent each of the defendants in these Actions. Accordingly, consolidating the two Actions will save the Court and the parties the time, expense and inefficiency of litigating two substantially similar cases.

WHEREFORE, the parties respectfully request that the Court grant their motion for consolidation.

EAST BOSTON SAVINGS BANK, CAPE COD FIVE CENT SAVINGS BANK, SOUTH SHORE SAVINGS BANK, and WORONOCO SAVINGS BANK,

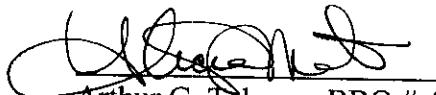
by their attorneys,

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Dated: March 4, 2005

Dated: March 4, 2005

REC'D CCRD

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SAVINGS BANKS EMPLOYEES RETIREMENT ASSOCIATION,)	BEFORE THE HONORABLE EDWARD F. HARRINGTON
Plaintiff,)	
v.)	CIVIL ACTION NO. 04-11545-EFH
EAST BOSTON SAVINGS BANK; CAPE COD FIVE CENTS SAVINGS BANK; SOUTH SHORE SAVINGS BANK; and WORONOCO SAVINGS BANK,)	ORDER GRANTING PARTIES' JOINT MOTION TO CONSOLIDATE
Defendants.)	

WHEREAS the Parties have by joint motion dated March ___, 2005 moved for consolidation of the above-captioned action with the related action, Savings Bank Employees Retirement Association v. Berkshire Bank, Civil Action No. 04-10123-EFH, and

WHEREAS the Court has considered their motion and found good cause for consolidation to have been shown,

It is on this ___ day of ___, 2005,

ORDERED that:

1. This action is consolidated with the related action, Savings Bank Employees Retirement Association v. Berkshire Bank, Civil Action No. 04-10123-EFH, also pending before this Court; and

2. A copy of this Order shall be served on all parties within _____ days of the date hereof.

EDWARD F. HARRINGTON, U.S.D.J.